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Cyl

What's it all about?

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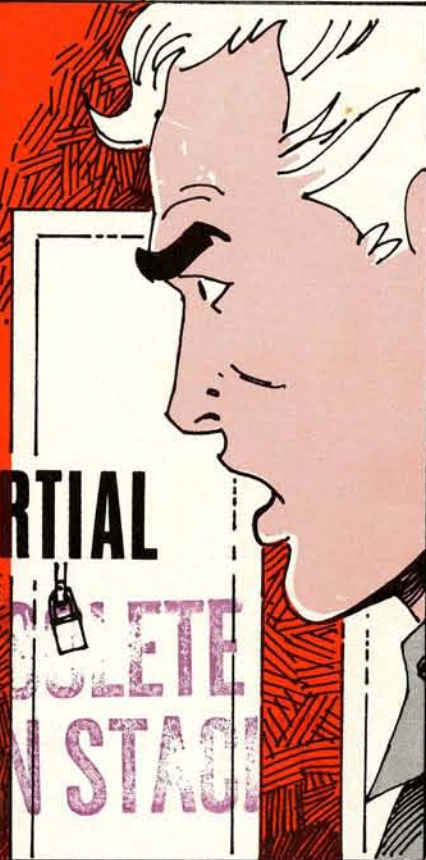
JUL 16 1974

ACCESSION NO _____
POSITION _____



THE SPECIAL COURT-MARTIAL

COMPLETE
IN STAGE



DO NOT CHARGE

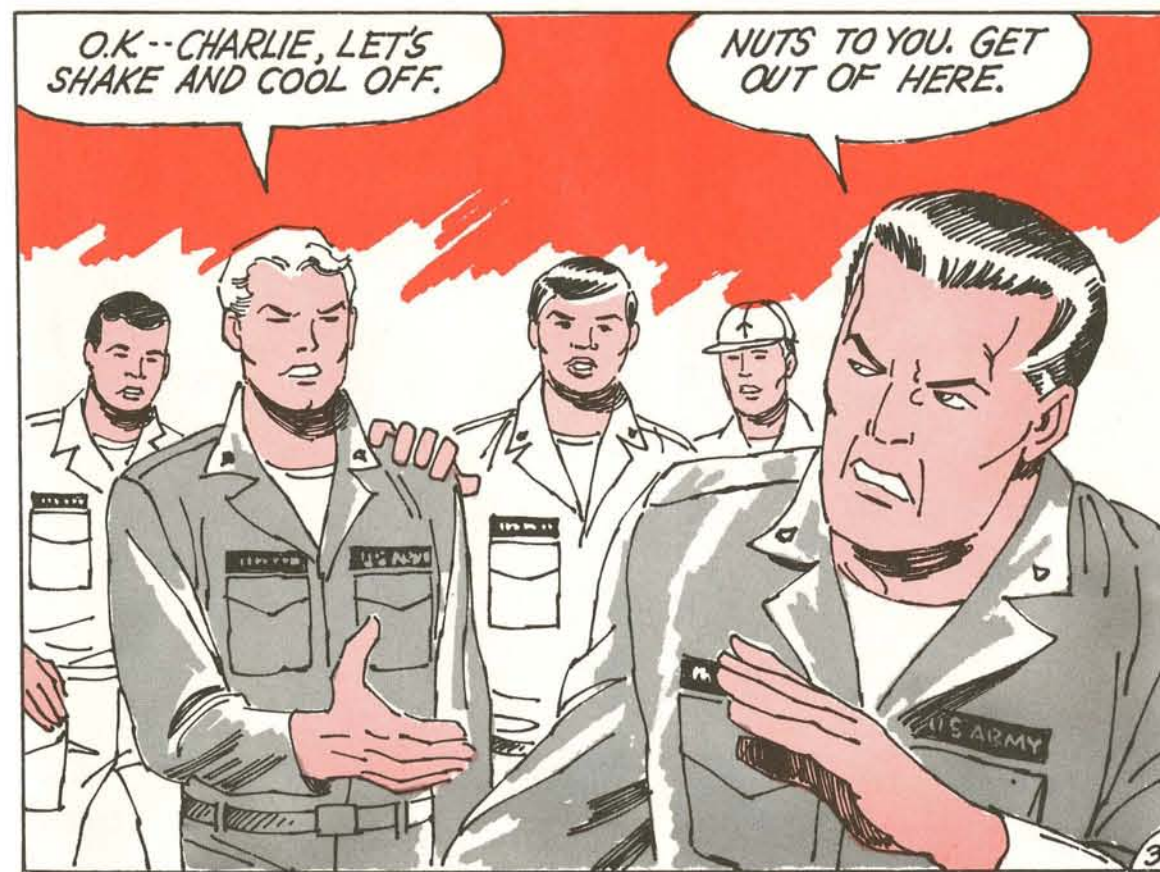
April 1974

INSTRUCTIONAL POINTS

"WHAT'S IT ALL ABOUT?--THE SPECIAL COURT-MARTIAL"

1. CRIMINAL CASES IN THE ARMY NORMALLY BEGIN AT THE COMPANY COMMANDER LEVEL.
2. A COURT-MARTIAL IS A CRIMINAL CASE AND A CONVICTION RESULTS IN A COURT-MARTIAL CONVICTION RECORD.
3. THE MAXIMUM PUNISHMENT FOR A REGULAR SPECIAL COURT-MARTIAL IS SIX MONTHS' CONFINEMENT AT HARD LABOR, TWO-THIRDS FORFEITURE FOR SIX MONTHS, AND REDUCTION TO **E1**.
4. EACH COMMANDER MUST MAKE AN INDEPENDENT DECISION ON THE DISPOSITION OF EACH CASE.
5. AN ACCUSED IS PROVIDED AN ARMY LAWYER AS DEFENSE COUNSEL.
6. COURTS-MARTIAL ARE LEGAL PROCEDURES WHICH MAY BE CONFUSING TO AN ACCUSED, AND HE MUST RELY ON HIS COUNSEL FOR ASSISTANCE.
7. APPELLATE RIGHTS INCLUDE REVIEW BY THE COMMANDER, THE STAFF JUDGE ADVOCATE, AND IN SOME CASES BY THE JUDGE ADVOCATE GENERAL.







THE SHOWER ROOM.



10 MINUTES LATER.

HEY! MY CAMERA'S GONE. I
KNEW I SHOULD HAVE LOCKED IT
UP. LET'S SEE TOP RIGHT AWAY.



O.K. JOE. I'LL
STAY HERE.

30 MINUTES LATER.

I CAME BACK FROM
THE SHOWER AND IT
WAS GONE.



THEN WHAT
HAPPENED?

DOWN THE HALL.

TIME FOR THE WEEKLY
LAUNDRY RUN. HEY,
WHAT'S THIS?



JUST THEN.

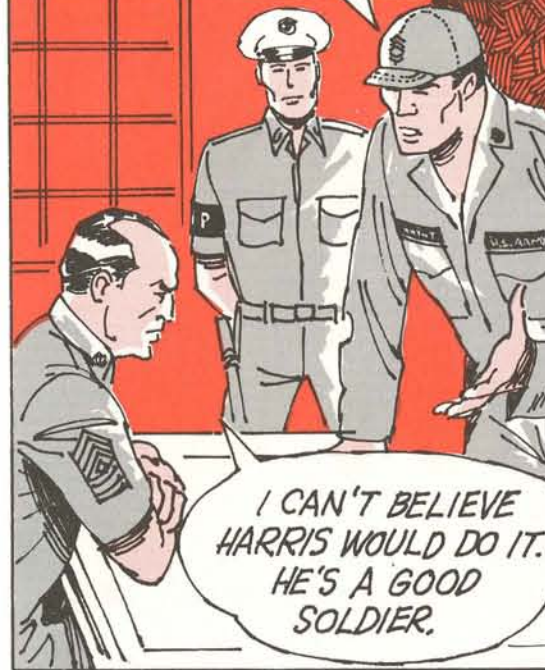
EVERYONE'S RESTRICTED, A THEFT
DOWN IN JOHNSON'S ROOM, HEY,
WHAT'S THAT? YOU STAY THERE.

WHAT'S THE
MATTER, SARGE?
I JUST FOUND THIS IN
MY LAUNDRY. HONEST!



IN THE ORDERLY ROOM

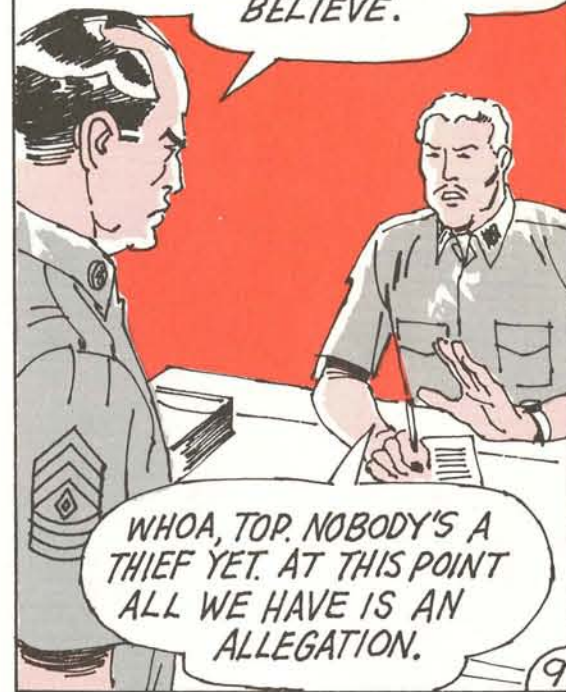
THAT'S WHAT HAPPENED.
I CAUGHT HIM HIDING THE
CAMERA.



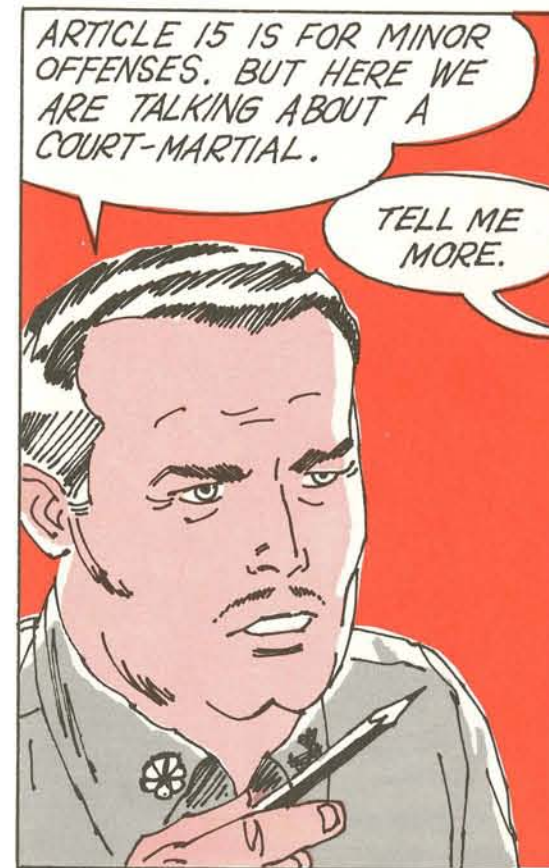
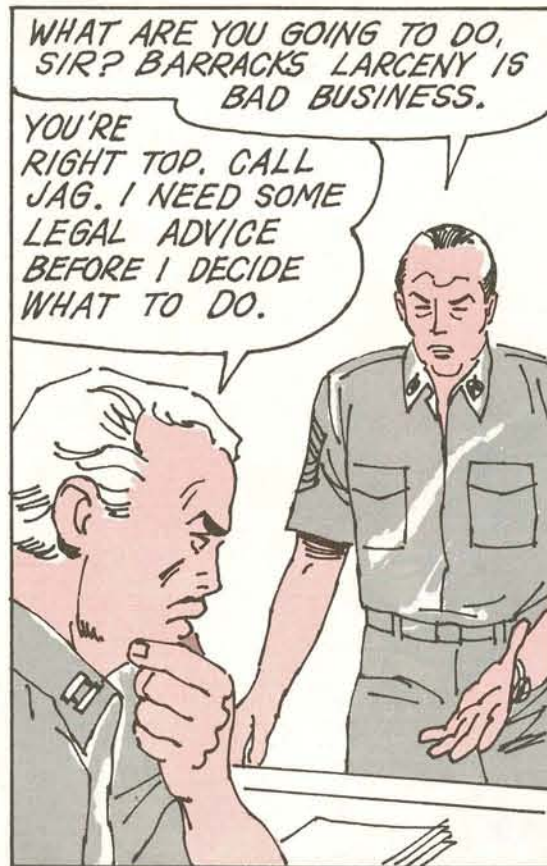
I CAN'T BELIEVE
HARRIS WOULD DO IT.
HE'S A GOOD
SOLDIER.

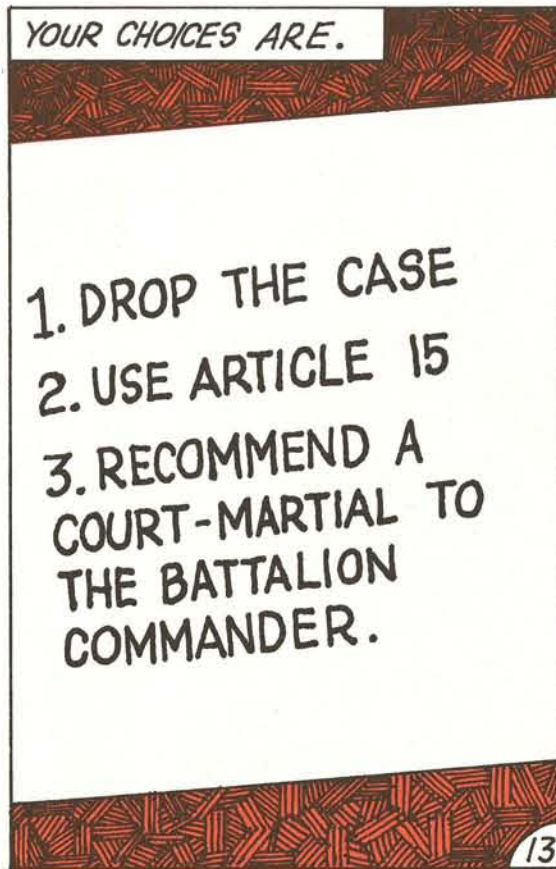
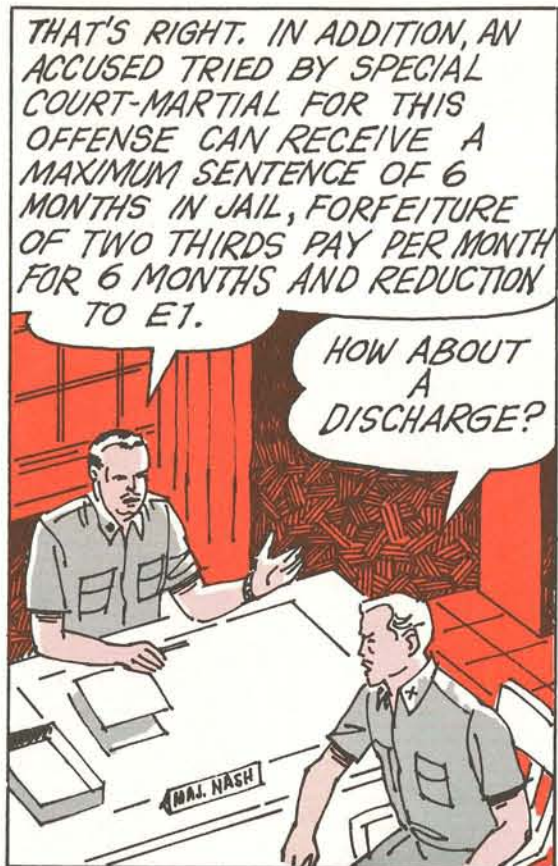
LATER THE CO. IS BRIEFED

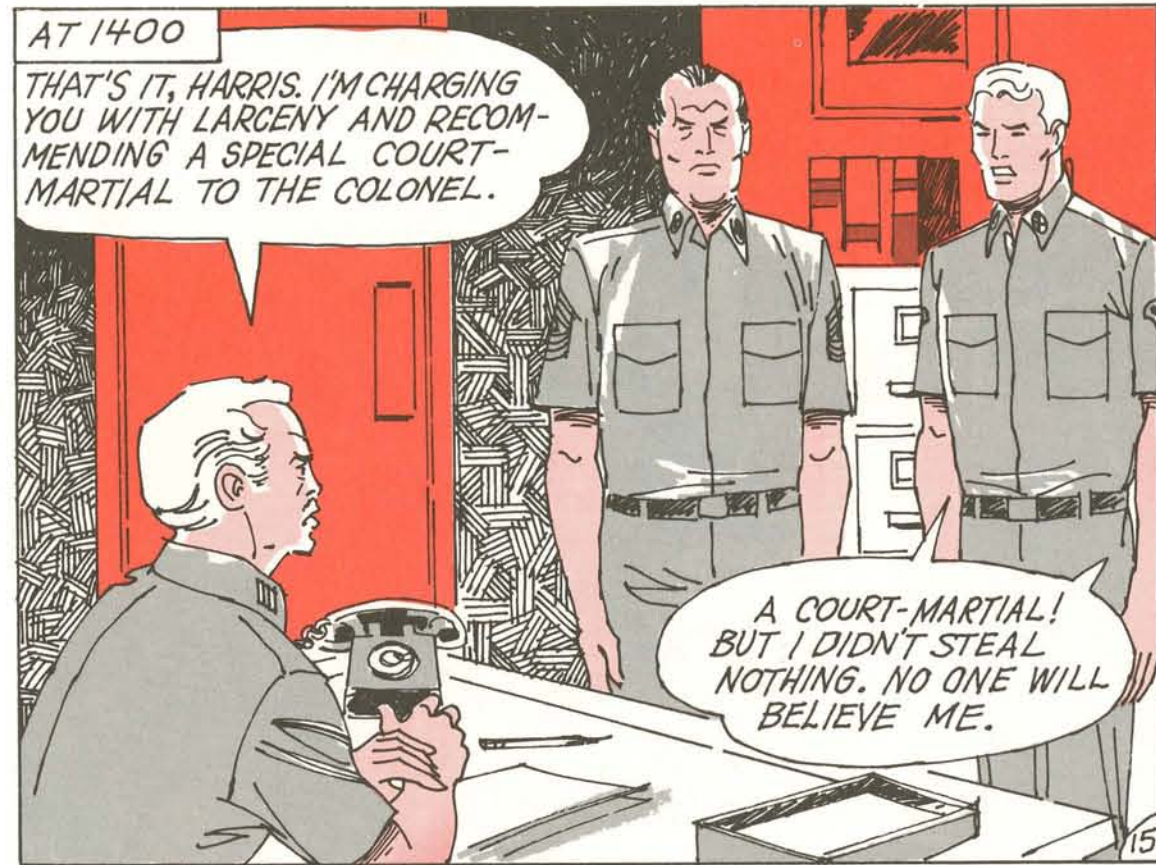
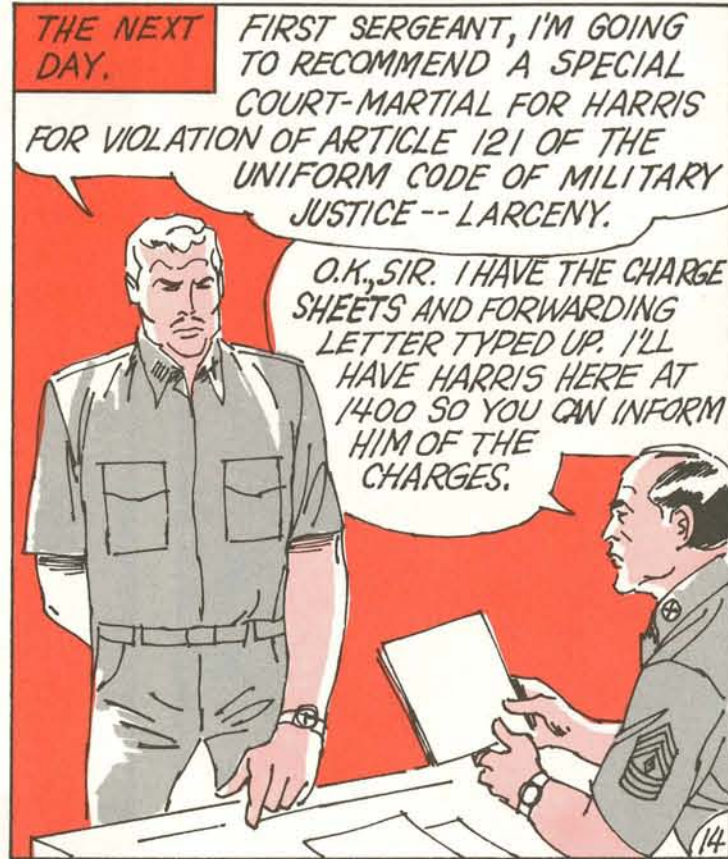
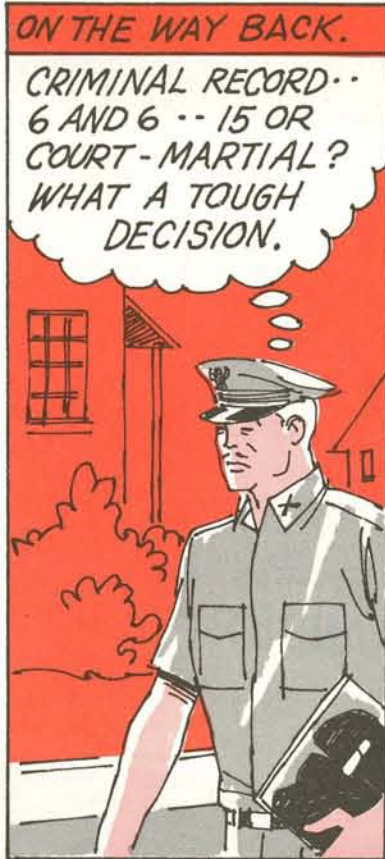
THAT'S IT, SIR. HERE IN THE MP
REPORT AND WITNESS STATEMENTS.
HARRIS -- A THIEF. HARD TO
BELIEVE.



WHOA, TOP. NOBODY'S A
THIEF YET. AT THIS POINT
ALL WE HAVE IS AN
ALLEGATION.









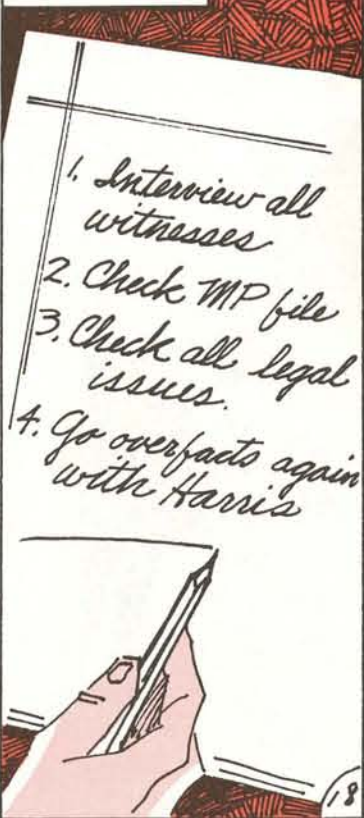
HECK NO. ALL THE FELLOWS GET ALONG! BUT... HEY, I DID GET INTO IT WITH ANDERSON A FEW WEEKS AGO--OVER A GIRL!



MUCH LATER THE TRIAL COUNSEL HAS THIS SET FOR TRIAL NEXT WEDNESDAY. BETTER MAKE A LIST OF THINGS TO DO, I CAN'T MISS ANY DETAIL.



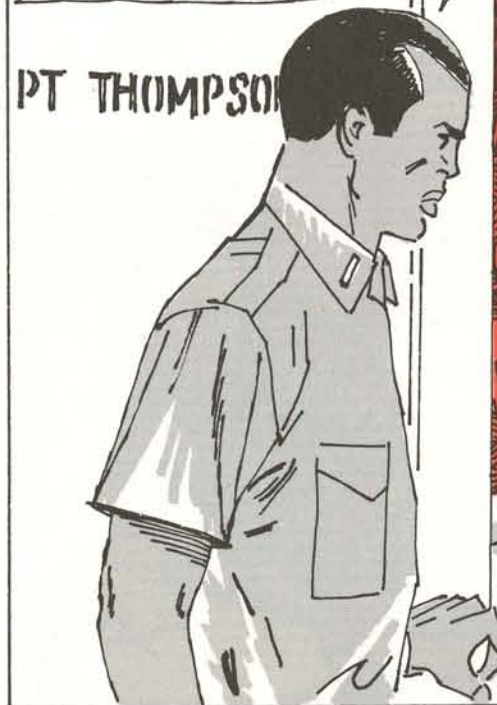
LET'S SEE...



1. Interview all witnesses
2. Check MP file
3. Check all legal issues.
4. Go over facts again with Harris

I'M HARRIS' PLATOON LEADER AND I WANT TO SPEAK UP FOR HIM AT THE TRIAL. HE'S A GOOD SOLDIER.

PT THOMPSON



GOOD, LIEUTENANT, YOU CAN TESTIFY AS TO HARRIS' GOOD MORAL CHARACTER AT THE TRIAL. IF HE IS FOUND GUILTY, YOU CAN AGAIN TESTIFY FOR HIM ON WHAT SENTENCE HE SHOULD RECEIVE.



ONE OTHER THING-- WHY NO EM
ON THE COURT? THAT'S NOT FAIR.

HEY WAIT! HARRIS CAN HAVE AT
LEAST ONE-THIRD OF THE COURT
BE ENLISTED MEN. THAT'S
USUALLY ENOUGH TO FIND AN
ACCUSED NOT GUILTY. BUT FELLOW
ENLISTED MEN CAN AND DO FIND
ENLISTED ACCUSED GUILTY. EM
COURT MEMBERS CAN
HELP BUT CAN HURT ALSO.
HARRIS WILL HAVE TO
DECIDE.



THREE DAYS LATER.
SIR, I'M NERVOUS.
LET'S GET IT OVER
WITH.

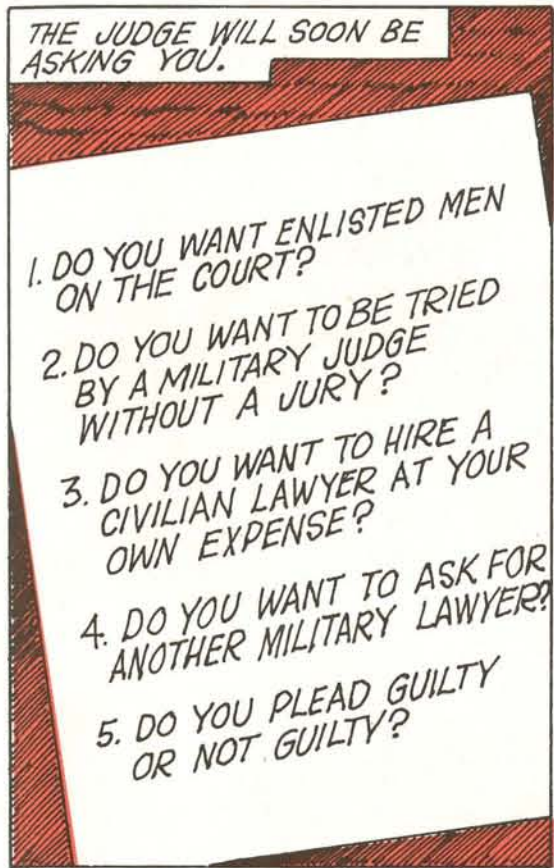
COURTS-MARTIAL
SOMETIMES
TAKE A WHILE.
CALM DOWN NOW.

YOU HAVE TO HELP ME
I'LL BE ASKING YOU
QUESTIONS AND YOU'LL BE
DECIDING SOME IMPORTANT
QUESTIONS.



THE JUDGE WILL SOON BE
ASKING YOU.

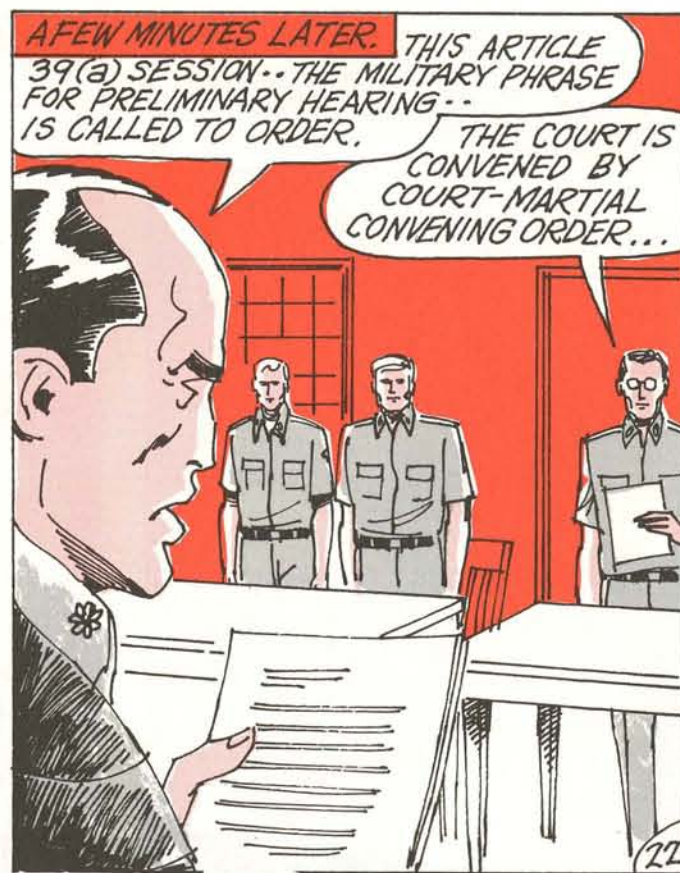
1. DO YOU WANT ENLISTED MEN
ON THE COURT?
2. DO YOU WANT TO BE TRIED
BY A MILITARY JUDGE
WITHOUT A JURY?
3. DO YOU WANT TO HIRE A
CIVILIAN LAWYER AT YOUR
OWN EXPENSE?
4. DO YOU WANT TO ASK FOR
ANOTHER MILITARY LAWYER?
5. DO YOU PLEAD GUILTY
OR NOT GUILTY?



WHY SO MANY QUESTIONS? DO I
HAVE ALL THOSE CHOICES?

YES YOU DO. AND IF YOU PLEAD
GUILTY. THE JUDGE WILL ACCEPT
YOUR PLEA ONLY IF YOU ARE
GUILTY AND SAY SO. NO
PHONY DEALS IN A MILITARY
COURT.





THIS SESSION IS
ADJOURNED. THE
TRIAL WILL BEGIN
IN 15 MINUTES.



15 MINUTES LATER. THE PROSECUTION
CALLS AS ITS FIRST WITNESS PLATOON
SERGEANT ERNIE JONES.

DO YOU SWEAR THAT THE EVIDENCE YOU
SHALL GIVE IN THE CASE NOW IN
HEARING SHALL BE THE TRUTH, THE
WHOLE TRUTH AND NOTHING BUT
THE TRUTH.

I DO.



STATE YOUR FULL NAME, GRADE,
ORGANIZATION, STATION, AND
ARMED FORCE.

ERNIE JONES,
PLATOON SERGEANT, COMPANY
B, 1ST BATTALION, 2ND
INFANTRY, FORT BLANK,
MISSOURI, U.S. ARMY.



DO YOU KNOW THE
ACCUSED?
YES.
IT'S SP4 HARRIS
SITTING OVER THERE.



I CALL YOUR ATTENTION
TO A PAY DAY SEVERAL
WEEKS AGO IN THE
BARRACKS. WHAT
HAPPENED?

I WAS
WALKING DOWN THE
HALL AND WAS
LOOKING FOR PLA-
TOON SERGEANT
STEIN. WHEN I
OPENED THE
DOOR TO HARRIS'S
SQUAD ROOM,
I SAW...



10 MINUTES LATER.

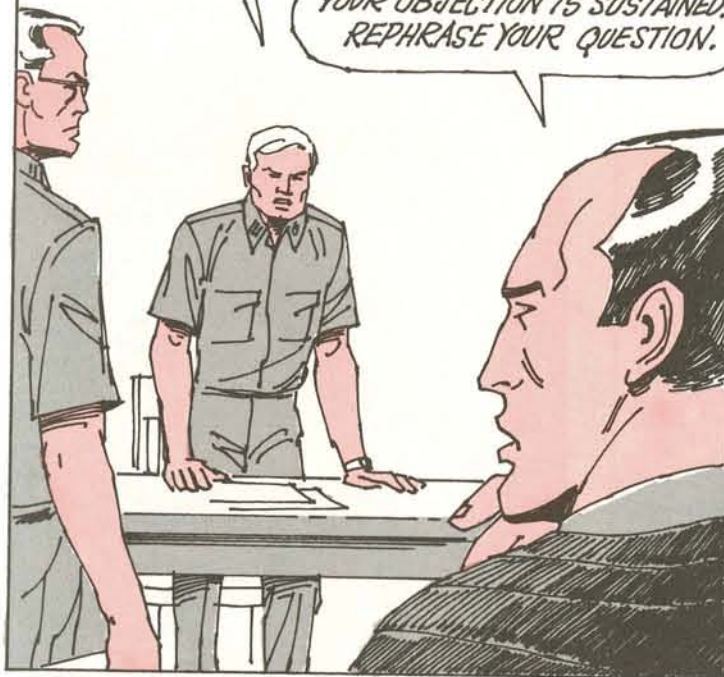
THAT'S ABOUT ALL I
REMEMBER.

WHAT DID
FIRST SERGEANT
WILSON TELL YOU ABOUT
THE BARRACKS
LARCENY?



OBJECTION, YOUR HONOR. THE
PROSECUTION IS LEADING THE
WITNESS AND IS ASKING FOR
A HEARSAY ANSWER.

YOUR OBJECTION IS SUSTAINED.
REPHRASE YOUR QUESTION.



CPT. THOMPSON IS DOING
ALL RIGHT. THIS LEGAL
STUFF IS CONFUSING
BUT HE UNDERSTANDS
IT.



SEVERAL MORE WITNESSES ARE CALLED.

THE PROSECUTION
RESTS.

THE DEFENSE HAS
AN OPENING ARGUMENT.

THE DEFENSE WILL SHOW THAT
SP4 HARRIS IS THE VICTIM
OF A FRAMEUP AND DID NOT
STEAL THE CAMERA. WE
WILL SHOW THAT...



NOW, RODRIGUEZ,
WHAT HAPPENED
THEN?

WELL, WE CAME IN
AND PULLED THEM
APART. SAM, SAM

HARRIS, WANTED TO SHAKE
BUT ANDERSON REFUSED.
ANDERSON DON'T LIKE
HARRIS. WELL, THEN...



THE NEXT WITNESS.

...I DON'T CARE WHAT
YOU SAY. I DIDN'T
FRAME HARRIS. HE'S A
CROOK AND DESERVES
TO BE PUT IN JAIL.

WAIT A MINUTE.

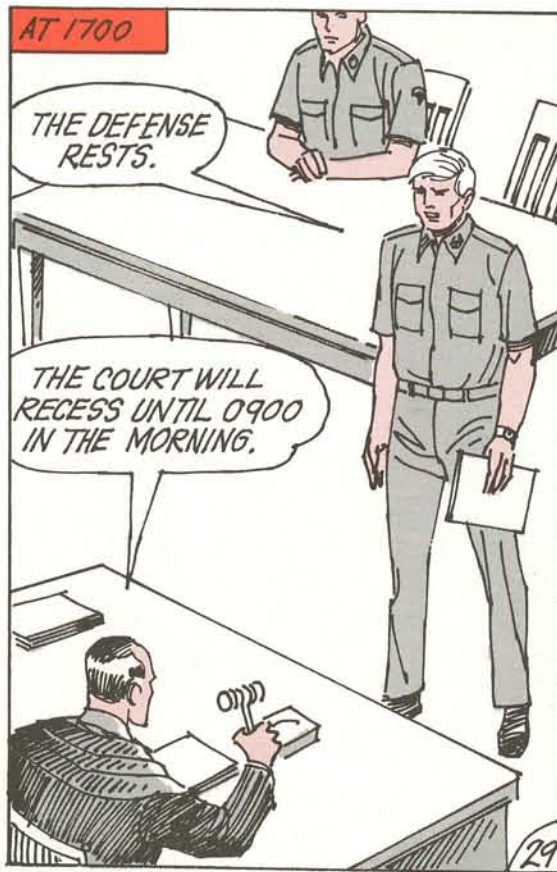
YOU DID FIGHT
WITH HIM AND
YOU DID REFUSE
TO SHAKE. RE-
MEMBER, YOU'RE
UNDER OATH. NOW
DID YOU FRAME
HARRIS?

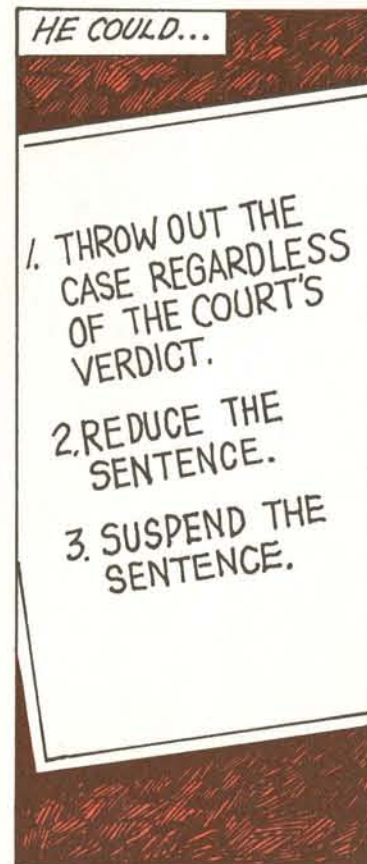
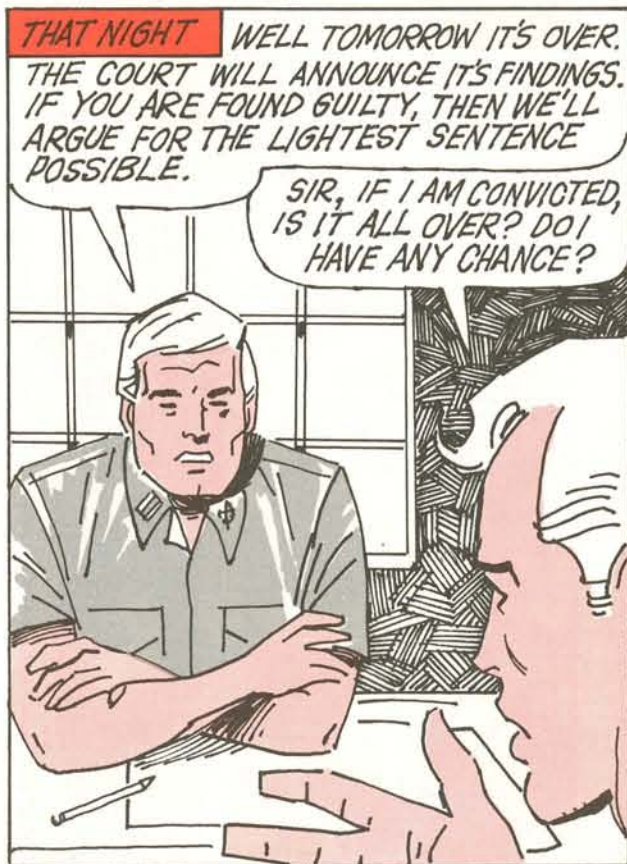


AT 1700

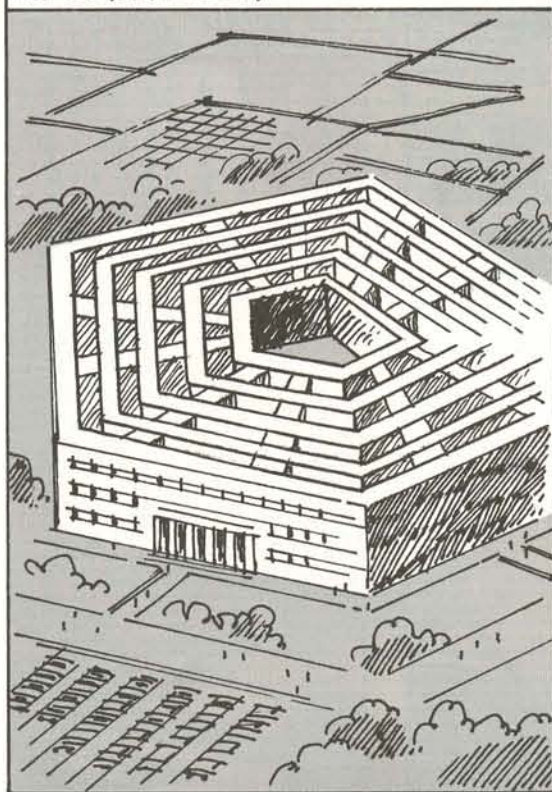
THE DEFENSE
RESTS.

THE COURT WILL
RECESS UNTIL 0900
IN THE MORNING.





THE CASE CAN THEN BE LOOKED AT
IN WASHINGTON.

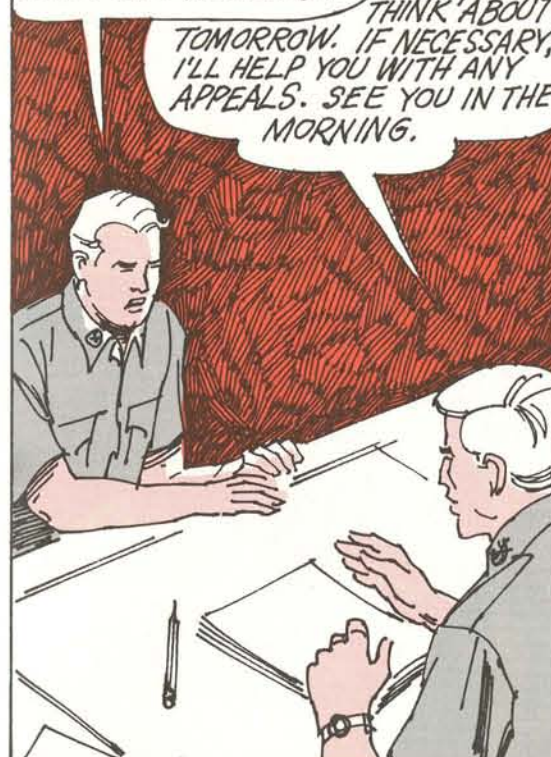


UNDER ARTICLE 69, UCMJ, THE JUDGE
ADVOCATE GENERAL HIMSELF CAN ACT
IN CERTAIN SPECIAL COURT-MARTIAL CASES.



ALL THE WAY TO WASHINGTON.
I DIDN'T KNOW THEY
COULD GET INVOLVED.

WELL, LET'S
THINK ABOUT
TOMORROW. IF NECESSARY,
I'LL HELP YOU WITH ANY
APPEALS. SEE YOU IN THE
MORNING.



2100 HOURS

SEE YOU IN COURT
SIR. HOPE WE
MAKE IT.

IT'S LATE BUT I'LL
PUT A FEW MORE
MINUTES IN ON THE
CLOSING ARGUMENT.
LET'S SEE....



AT 0900 THE NEXT MORNING.

THE COURT WILL
COME TO ORDER.

THE PROSECUTION
WOULD LIKE TO
OPEN ARGUMENT.
THE GOVERNMENT HAS PROVED
THAT HARRIS STOLE THE
KOTA CAMERA...



20 MINUTES LATER--AFTER DEFENSE ARGUMENT.

...THE FINAL DETERMINATION AS TO THE
WEIGHT OF THE EVIDENCE AND THE CREDI-
BILITY OF THE WITNESSES IN THIS CASE
RESTS SOLELY UPON YOU MEMBERS OF THE
COURT. YOU MUST DISREGARD ANY COMMENT
OR STATEMENT MADE BY ME DURING THE
COURSE OF THE TRIAL WHICH MAY SEEM TO
INDICATE AN OPINION AS TO THE GUILT OR
INNOCENCE OF THE ACCUSED, FOR YOU
ALONE HAVE THE INDEPENDENT RESPONSIBI-
LITY OF DECIDING THE
ISSUE.



THE JUDGE CONCLUDES HIS
INSTRUCTIONS. ...EACH OF YOU
MUST IMPARTIALLY RESOLVE THE
ULTIMATE ISSUE AS TO THE
GUILT OR INNOCENCE OF THE
ACCUSED IN ACCORDANCE WITH
THE LAW, THE EVIDENCE ADMITTED
IN COURT, AND YOUR OWN
CONSCIENCE.



THE COURT IS NOW IN SECRET SESSION.
HOW LONG, HOW LONG!
COULD BE 30 MINUTES, MAYBE
A COUPLA HOURS, THEY ARE
DISCUSSING THE EVIDENCE
AND MUST VOTE, CALM DOWN!



THE COURT IN DELIBERATION

WELL! I THINK IT'S AN OPEN AND SHUT CASE. CLEARLY, HARRIS WAS FRAMED BY ANDERSON. RODRIQUEZ'S TESTIMONY BEARS THIS OUT!

I AGREE, YOU COULD JUST TELL BY THE WAY ANDERSON FLARED UP WHEN CPT. THOMPSON CORNERED HIM ABOUT THAT FIGHT. I THINK HE WAS OUT FOR REVENGE AND PLANNED THE WHOLE THING.

NOW, JUST HOLD ON. I'VE BEEN AROUND A WHILE AND IT'S A COMMON DEFENSE TACTIC TO TRY TO PUT THE BLAME ON SOMEONE OTHER THAN THEIR ACCUSED. I SAY THE MERE FACT THAT ANDERSON AND HARRIS GOT IN A FIGHT OVER A GIRL BEFORE THE THEFT OCCURED DOESNT MEAN A THING. AFTER ALL, WE WERENT THERE TO SEE WHAT ACTUALLY HAPPENED. WE HAVE TO RECONSTRUCT THE FACTS FROM THE EVIDENCE PRESENTED TO DETERMINE THE TRUTH!

36

THE COURT HAS REACHED A VERDICT.

SP4 HARRIS. IT IS MY DUTY AS PRESIDENT OF THIS COURT TO INFORM YOU THAT THE COURT IN CLOSED SESSION AND UPON SECRET WRITTEN BALLOT...

...HAS FOUND YOU...

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**GUILTY
OR
NOT
GUILTY**



**WHAT DO
YOU
THINK?**

By Order of the Secretary of the Army:

Official:

VERNE L. BOWERS
Major General, United States Army
The Adjutant General

CREIGHTON W. ABRAMS
General, United States Army
Chief of Staff

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